IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12975 of 2004

Between:

B. Prasad, S/o. Late B. Ranganayakulu,
D.No. 18/775, Katale Veedhi, Gunthakal, Ananthapur District.

..... PETITIONER

AND

1. The Depot Manager, APSRTC, Gunthakal,
   Ananthapur District.
2. The Regional Manager, APSRTC,
Anathapur District, Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or orders, direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents, in not considering the case of the petitioner for appointment to the post of conductor on compassionate grounds under the bread winners scheme as the petitioner's father died, while in service as illegal, arbitrary unjustified, discriminatory and contrary to the circulars issued by the corporation and consequently direct the respondents to consider the case of the petitioner for appointment to the post of conductor or any other suitable post on compassionate grounds under the bread winners scheme forth with.

Counsel for the Petitioner: MR.A.RAMA RAO

Counsel for the Respondents: MR.P.VINAYAKA SWAMY, S.C for APSRTC

The Court made the following:

ORDER:

Petitioner is the son of a deceased-employee of the respondent-Corporation. While in service, the employee was removed from service on certain irregularities on 21-03-2000 and he died on 25-04-2001. His legal representatives including the petitioner approached the Industrial Tribunal cum – Labour Court, Ananthapur, through I.D.No.293 of 2001, questioning the order of removal of the deceased employee. The Industrial Tribunal passed an order dated 31-10-2003, in favour of the legal representatives and set aside the order of removal passed by the respondents. The Industrial Tribunal directed the respondent to treat the deceased-workman as in service till 25-04-2001 and to pay all retirement benefits to the claimants.

In pursuance of the said order, the second respondent passed an order dated 05-02-2004 directing payment of all the retirement benefits to the legal representatives of the deceased employee. The petitioner being the son of the deceased-workman represents that he made an application to the first respondent under 'Bread Winner Scheme' on 19-03-2004, but the first respondent did not pass any order on the said application. Therefore, he approached this Court, seeking a direction to the respondents to pass appropriate orders on his application for compassionate appointment under the 'Bread Winner Scheme'. Since, the respondents did not pass any orders, I am inclined to direct the respondents to pass appropriate orders.

In the result, the respondents 1 & 2 are directed to pass appropriate orders on the application of the petitioner dated 19-03-2004 made for compassionate appointment, within four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

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28th JULY 2004

Glv/Kvr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Depot Manager, APSRTC, Gunthakal,
   Ananthapur District.
2. The Regional Manager, APSRTC,
Anathapur District, Ananthapur.

3. TwoCD copies.